Secrt. II-87--37,054--13-11-45

REVENUE (194) Department

Ms. SERIES.

G.O. No. 347

Dated the 22nd February 1946

[Despatch Abstract.]

Alienation - Land and Revenue - (South Kanara) - Mangalore Taluk - Iddya village - S.No.164/3A1 - Hindu Vidya Dayinee Sangha - Playground - Sanctioned.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Further Papers.

G.O.	No.	Department	Date.	G.O.	No.	Department	Date.

Revenue Department
Subject

Alienation - Land Revenue - (South Kanara) - Mangalore taluk - Iddya village - S.No.164/3A1 - Hindu Vidya Dayinee Sangha - Playground - Recommended.

Ref.No. E.4678/45-3

Station: Madras dated the 1st February 1946.

From

C. Venkateswara Ayyar Esq., I.C.S.,
Secretary, Board of Revenue.

To

H. Scott Brown Esq., C.S.I., C.I.E., I.C.S., Commr. of Land Revenu

Read the following:-

Letter from Sri Rao Bahadur P. Ramadoss, B.A., Collector of South Kanara, No. Ref.B3-9989/45 dated 22-12-1945:-

In G.O. No. 1372 Revenue dated 8-9-1924 communicated with B.P. No. 8159 Miscellaneous dated 13-9-1924 the alienation of S.Nos. 110-6B and 164-2 of Iddya village, Mangalore taluk in favour of the Hindu Vidyadayinee Sangha for use as a school garden and playground was ordered. The notations of these sub divisions have undergone changes and they are now denoted as S.Nos. 110-7B and 164-3B respectively.

2. The Secretary of the Sangha has now applied for the alienation of S.No. 164-3A1 measuring 3.19 acres for being used as a playground for the institution, which has been raised to the statu of a High School. He represents that the strength of the school has increased considerably and that with the opening of the V and VI forms it would go beyond 500. The District Educational Officer has recommended the proposal. The Secretary has enclosed a resolution of the Sangha agreeing to abide by such conditions of alienation as the alienating authority may determine.

3. Enquiry shows that the Sangha has started work of construct ing the High School building in its patta land and that the plots already alienated to it have been utilised for raising a coconut tope, a horticultural garden and a playground for the Elementary sections. There is no available patta land closeby which can be acquired by the Sangha. In view of the growing strength of the school, the need for a play ground is real.

4. The pathway running along

applied for on alienation has been separately sub-divided and excluded. The plot proposed for alienation has been demarcated with survey stones at the cost of the Sangha. Applications for alienation of land and land revenue are enclosed.

5. I recommend that S.No. 164-3A1 of Iddya may be alienated in favour of the Sangha for being used as a play ground. No objection has been received in response to a notice of the proposed alienation published in the village.

6. An eye-sketch in duplicate, sub division records, application of the Secretary, recommendation of the District Educational Officer and the resolution of the Sangha are enclosed.

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II

Letter from Sri Rao Bahadur P. Ramadoss, B.A., Collector of South Kanara, No. Ref.B3.9989/45 dated 23-1-1946:-

Ref:- Board's Ref. E.4678/45-2 dated 18-1-1946.

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The points raised in the Board's Reference cited above are dealt with below:-

Point 1.- Even though the plot proposed to be alienated stands registered as grazing ground poramboke, enquiry shows that the exclusion of the area is not likely to affect the interests of the cattle owners who still have other plots reserved for the purpose sufficient to meet their needs. The pathway has been separately sub-divided as S.No. 164-3A2. There is no objection to the proposed alienation.

Point ii.- There are no structures or tree growths on the plot proposed to be alienated.

Point iii.- It is reported that there is at present no playground for the High School section and no other lands for the purpose are also available in the vicinity. In view of these facts and having regard to the growing status and strength of the school, the proposals may be considered urgent.

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REFERENCE

At the instance of the Collector of South Kanara the Board recommends the alienation of the plot of land comprised in S.No.164/3A1 of Iddya village, Mangalore taluk measuring Ac.3-19 in favour of the Hindu Vidya Dayinee Sangha.Sd/-T.K.

as the site of a playground for the High School.

2. The alienation will be free of charge for the occupancy right and free of assessment but subject to the following conditions to which the alienee has agreed:-

(1) the land shall be used as the site of a playground for the High School and for no other purpose.

(2) The playground shall be formed within a period of one year from the date of the grant.

(3) No building shall be constructed on the land without the previous permission of the Collector of the district.

(4) The Government may resume the land wholly or in part with any buildings thereon, in the event of the infringement of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant. If there are buildings on the land, the Government may direct the grantee to remove them and if the grantee refuses to remove them when so directed the Government or any officer empowered by them in this behalf shall have power to remove the buildings and realise the cost of such removal by the sale of the materials.

(5) The Government may resume the land wholly or in part with any buildings thereon if in the opinion of the Government the land is required for public purposes or for conducting mining operations. In the event of such resumption or in the event of the acquisition of the land for any reasons, the compensation payable for the land and trees shall in no case exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less and the compensation payable for buildings or other improvements shall in no case exceed the amount paid for them by the grantee at the time of alienation or their value at the time of resumption or acquisition, whichever may be less together with the initial cost or the value at the time of resumption or

acquisition, whichever may be less of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant. The amount of any grant made by the Government towards the cost of the buildings or other improvements shall be deducted from the compensation payable under this condition. But in no circumstances shall any compensation be paid by the Government in respect of buildings constructed in contravention of condition (3).

(6) In the event of the voluntary relinquishment of the land by the grantee no compensation shall be payable for any improvements that may have been effected or for works that may have been executed on the land by the grantee but the grantee shall be entitled to the repayment of any amount that may have been paid to the Government for the grant or the value of the land at the time of relinquishment whichever may be less.

(7) Full land revenue shall be levied if at any time by net income is derived from the land or if any of the conditions of the alienation are infringed. In the latter case, the land revenue shall be levied from the date of the infringement. The decision of the Collector on the question whether a net income is derived from the land or not shall be final.

(8) The Government reserve to themselves the right to all sandalwood trees and their branches and roots which exist at the time of alienation as well as those which may grow subsequently on the land the Government shall be at liberty to cut or dig out any such trees or their roots and branches and remove them from the land and dispose of them at their pleasure. The alienee shall not be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collector of the district.

(9) The alienee shall take all reasonable measures to the satisfaction of the Collector of the district for the protection of the sandalwood trees from theft or damage and for the careful protection of the immature trees growing on the land.

(10) The alienee shall take the steps to see that the marks made by the officers of the Government on the sandalwood trees are preserved and are not tampered with; and

(11) In the event of the infringement of, or failure to observe, any of the conditions (8) to (10), the alienee shall pay to the Government such compensation as is determined by the Collector of the district for any loss or damage caused by such infringement or failure on his part. The Government shall also be at liberty to resume the land and re-enter on it and the whole land shall thereupon vest absolutely in the Government. In that case the alienee shall not be entitled to any compensation whatever.

N. Subramanian
2.2.46.
for Secretary.

To the Secretary to Government, Revenue Department,
with alienation statements (pages and sketches
(pages and sketches)

v.c/1.2.

Sub

146 1910
S.O

Application for the alienation of land in which the proprietary right belongs to the State.

District - South Kanara.

(1) Description and area:	S.No. 164-3A1 of Iddya village measuring 3.19 acres.
(2) Market value:	s.2,153/- at Rs.675/- per acre.
(3) Alienee and purpose of alienation.	Hindu Vidyadayinee Sangha, Surathkal. For the purpose playground.
(4) Collector's remarks:	Recommended.

Application for the alienation of land revenue payable to Government.-

(1) Description and area:	S.No. 164-3A1 of Iddya Dry - 3.19 acres.
(2) (a) Annual assessment	Rs.3-3-0
(b) Capitalised value 25 times assessment.	s.79-11-0
(3) Alienee and purpose of alienation.	Hindu Vidya Dayinee Sangha, Surathkal. For the purpose playground.
(4) Collector's remarks	

Rev. Sectt. 23—3,006—23-12-36.

GOVERNMENT OF MADRAS.

*Received*_____193 *Registered*_____193

Abstract

[C.No 496F/46]

RE

G.O. No. Ms. 347 (d) **ated the** 22.2.46.

READ the following :— G.O. Ms. No 1372 Revd 8-9-1924
from the Md. of Rev Rep no E. 4678/45-3 dt 1-2-46.

ORDER—

The Government sanction the alienation of the plot of land comprised in S No 164/3A1 of Iddya village, Nanjalure Taluk, S. Kanara Dt measuring to 3-19 in favour of the Hindu Vidya Dayinee Sangha, Saraswatkeri, for use as the site of a play-ground for the Hindu School

2. The alienation will be free of charge for the occupancy right and free of assessment

but subject to the following conditions :—

1) The land shall be used as the site of a playground for High School

and for no other purpose.

2) The ~~buildings shall be constructed within~~ playground shall be formed within a period of one year from the of the grant.

3) No building shall be constructed on the land without the previous permission of the Urban

then when so directed the Govt or any officer empowered therein in this behalf shall have power to remove the buildings and realise the cost of such removal by the sale of the materials

4) The Government may resume the land, wholly or in part, with any buildings thereon, in the event of the infringement of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant. If there are buildings on the land the Government may direct the grantee to remove them and if the grantee fails

5) The Government may resume the land, wholly or in part, with any buildings thereon, if in the opinion of the Government the land is required for a public purpose or for conducting mining operations. In the event of such resumption or in the event of the acquisition of the land for any reason, the compensation payable for the land and trees shall in no case exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less and

~~In the event of resumption under condition if there are buildings on the land, the Government may, at their option, either~~

~~(a) purchase the buildings, or~~
~~(b) direct the grantee to remove the buildings.~~

~~In the event of the resumption of the land followed by the purchase of the buildings under condition or in the event of the acquisition of the land for any reason~~ the compensation payable for buildings or other improvements shall in no case exceed the amount paid for them by the grantee at the time of alienation or their value at the time of resumption or acquisition, whichever may be less, together with the initial cost or the value at the time of resumption or acquisition, whichever may be less, of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant. The amount of any grant made by the Govt towards the cost of the buildings or other improvements shall be deducted from the compensation payable under this condition. But in no circumstances shall any compensation be paid by the Govt in respect of buildings erected in contravention of condition 3).

~~In the event of the grantee refusing to remove the buildings, when so directed under condition the Government may remove them and realize the cost of the removal by the sale of the materials.~~

6) In the event of the voluntary relinquishment of the land by the grantee, no compensation shall be payable for any improvements that may have been effected or for works that may have been executed on the land by the grantee and ~~the~~ the grantee shall ~~not~~ be entitled to the repayment of any amount that may have been paid to the Government for the grant or the value of the at the time of relinquishment whichever may be less

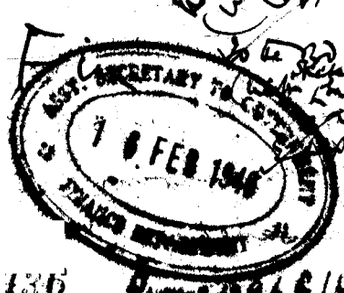
) Full land revenue shall be levied if at any time any net income is derived from the land or if any of the conditions of alienation are infringed. In the latter case the land revenue shall be levied from the date of the infringement. The decision of the Collector in the question whether a net income is derived from the land or not shall be final

8). The Govt reserve to themselves right to cut down remove the and their branches and roots which exist at the time of alienation as well as those which may grow subsequently on the land the Govt shall be at liberty to cut ~~wdy~~ down any such trees or their roots and branches and remove them from the land and dispose of them at their pleasure The alienee shall not be entitled to cut or remove the or cause them to be cut or removed without the permission of the Collr of the district

9) The alienee shall take all reasonable measures to the satisfaction of the Collr for the protection of the Sandalwood trees from theft or damage and for the careful protection of the immature trees growing on the land.

10) The alienee shall take the steps to see that the marks made by the officers of the Govt on the Sandalwood trees are preserved and are not tampered with; and

11) In the ~~infringement~~ event of the infringement or failure to observe, any of the conditions (8) to (10), the alienee shall pay to the Govt such compensation as is determined by the Collr of the district for any loss or damage caused by such infringement or failure on his part. The Govt shall also be at liberty to resume the land and re-enter on it and the whole land shall thereupon vest absolutely in the Govt. In that case the alienee shall not be entitled to any compensation whatever.

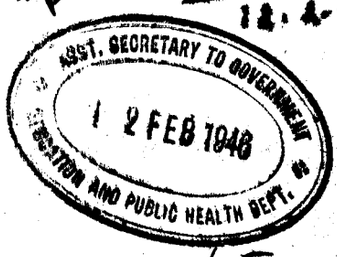


The E&PH. and Fin are for acceptance

9.2.46. 11-2-46

136 Secy A Revenue 496 F/Lease 12.2.46

E&PH (Pa) Dept.



The draft order on pp 1-4 above may be accepted in this dept and the file passed on to Finance

14/2/46 Finance (Ex

8965

The draft order may be accepted

Re-

20.2.46

Revenue 7456 2-pt/46

20.2.46